

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JDM LONG ISLAND LLC,

Plaintiff,

- against -

U.S. BANK NATIONAL ASSOCIATION, as Trustee,  
as successor-in-interest to Bank of America, N.A., as  
successor trustee for the registered holders of LB-UBS  
Commercial Mortgage Trust 2006-C7, Commercial  
Mortgage Pass-Through Certificates, Series 2006-C7,

Defendant.  
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No. 10-cv-05564-JS-AKT

U.S. BANK NATIONAL ASSOCIATION, as  
Trustee, as successor-in-interest to Bank of America,  
N.A., as successor trustee for the registered holders of  
LB-UBS Commercial Mortgage Trust 2006-C7,  
Commercial Mortgage Pass-Through Certificates,  
Series 2006-C7,

Counterclaim Plaintiff,

- against -

TOWN OF HEMPSTEAD INDUSTRIAL  
DEVELOPMENT AGENCY; JDM LONG ISLAND  
LLC; JOSEPH MOINIAN; DAVID MOINIAN; THE  
PEOPLE OF THE STATE OF NEW YORK,  
VILLAGE OF HEMPSTEAD; EAST COAST  
PETROLEUM, INC.; BAGNATO REALTY  
SERVICES, LLC (d/b/a NAI LONG ISLAND); THE  
PEOPLE OF THE STATE OF NEW YORK;  
“JOHN DOE”; “MARY ROE”; and “XYZ  
CORPORATION” (the last three names being  
fictitious but intended to designate tenants residing at  
or persons having an interest in the premises described  
in the Complaint herein),

Counterclaim Defendants.  
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[PROPOSED]  
ORDER TO SHOW CAUSE  
FOR APPOINTMENT OF  
RECEIVER

UPON READING AND FILING the accompanying Declaration of Alex J. Guggenheim, dated May 13, 2011, and the exhibits annexed thereto, the accompanying Declaration of Jeffrey R. Wang, dated May 13, 2011, and the exhibits annexed thereto, and the accompanying Memorandum of Law, and upon all prior papers, pleadings, and proceedings in the above-captioned action,

LET PLAINTIFF-COUNTERCLAIM DEFENDANT JDM LONG ISLAND LLC SHOW CAUSE, before The Honorable Joanna Seybert, at the United States Courthouse located at 100 Federal Plaza, Central Islip, NY 11722, on May 16, 2011 at \_\_:\_\_\_ .m., or as soon thereafter as counsel may be heard, why an Order should not be made and entered, pursuant to Section 254(10) of the New York Real Property Law and/or Rule 6401 of the New York Civil Practice Law and Rules, appointing a receiver of the property known as 175 Fulton Avenue and 20 Hilton Avenue, Hempstead, New York.

IT IS ORDERED THAT opposing papers, if any, are to be served upon counsel for defendant-counterclaim plaintiff, Friedman Kaplan Seiler & Adelman LLP, 7 Times Square, New York, NY 10036-6516, attention Jeffrey R. Wang, [jwang@fklaw.com](mailto:jwang@fklaw.com), so as to be received by 10:00 a.m. on May 16, 2011.

Dated: Central Islip, New York  
May 13, 2011

SO ORDERED.

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Hon. Joanna Seybert, U.S.D.J.